

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

JOSE F. ROSARIO RODRIGUEZ
MARIA DEL C. GONZALEZ COTTO
DEBTOR(S)

CASE NUMBER: 10-05921 (ESL)

CHAPTER 13 ASSET CASE)

DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

THE HONORABLE COURT:

COMES NOW, Debtor (s) through the undersigned attorney and respectfully ALLEGES and PRAYS:

1. That debtor (s) filed and circulated a MODIFIED PLAN to all parties in interest.

2. That the modification is based in that the Debtor (s) wants to amend their plan in order to:

a. Joint Debtor lost her job and the income for debtor has lowered and they need to make adjustments to their income and expenses in order to comply with their duties as chapter 13 debtor.

3. Debtor (s) amend plan call seven(7) payments of \$480.00, one (1) payment of \$0.00 and fifty two (52) payments of \$230.00 and partial payments for a total of 6,200.00 for a total base of \$21,520.00 dollars with a provision for the arrears to Banco Popular, account ending number-2056.

4. Debtor (s) are still is interested in continuing with the bankruptcy procedures and proof if the amendment of the plan in order to comply with the disbursement schedules.

WHEREFORE, Debtor (s) respectfully request from this Honorable Court to accept this motion and grant debtor (s) the opportunity to modify the confirmed plan according to 11 US 1329 and provide any other remedy it may deem appropriate.

JOSE F. ROSARIO RODRIGUEZ
MARIA DEL C. GONZALEZ COTTO
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DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

NOTICE

"Parties in interest are notified they have twenty one (21) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time, the Court will enter an order granting the motion upon the filing of a certificate of service by the movant that adequate notice was given. Should an opposition be timely filed. The Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections shall be denied".

In San Juan, Puerto Rico, this *21st* day of February 2011.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **Alejandro Oliveras, Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those who in this case have registered for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega
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United States Bankruptcy Court
District of Puerto Rico

IN RE:

Case No. 10-05921-13

ROSARIO RODRIGUEZ, JOSE FERNANDO & GONZALEZ COTTO, MARIA DEL C.

Chapter 13

Debtor(s)

CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☒ directly ☐ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED:

☐ PRE ☐ POST-CONFIRMATION

☒ AMENDED PLAN DATED: 2/27/2011

Filed by: ☒ Debtor ☐ Trustee ☐ Other

I. PAYMENT PLAN SCHEDULE

\$ 480.00 x 7 = \$ 3,360.00
\$ 0.00 x 1 = \$ 0.00
\$ 230.00 x 52 = \$ 11,960.00
\$ x = \$
\$ x = \$

TOTAL: \$ 15,320.00

Additional Payments:

\$ 6,200.00 to be paid as a LUMP SUM
within 54 months with proceeds to come from:

☐ Sale of Property identified as follows:

☐ Other:

Periodic Payments to be made other than, and in
addition to the above:

\$ x = \$

PROPOSED BASE: \$ 21,520.00

III. ATTORNEY'S FEES
(Treated as § 507 Priorities)

Outstanding balance as per Rule 2016(b) Fee
Disclosure Statement: \$ 2,900.00

Signed: /s/ JOSE FERNANDO ROSARIO RODRIGUEZ
Debtor

/s/ MARIA DEL C. GONZALEZ COTTO
Joint Debtor

II. DISBURSEMENT SCHEDULE

A. ADEQUATE PROTECTION PAYMENTS OR \$

B. SECURED CLAIMS:

☐ Debtor represents no secured claims.

☒ Creditors having secured claims will retain their liens and shall be paid as follows:

1. ☒ Trustee pays secured ARREARS:

Cr. BANCO POPULAR D Cr.

2056

\$ 1,242.62 \$

2. ☐ Trustee pays IN FULL Secured Claims:

Cr. Cr. Cr.

#

\$ \$ \$

3. ☐ Trustee pays VALUE OF COLLATERAL:

Cr. Cr. Cr.

#

\$ \$ \$

4. ☐ Debtor SURRENDERS COLLATERAL to Lien Holder:

5. ☐ Other:

6. ☐ Debtor otherwise maintains regular payments directly to:

C. PRIORITIES: The Trustee shall pay priorities in accordance with the law.
11 U.S.C. § 507 and § 1322(a)(2)

D. UNSECURED CLAIMS: Plan ☐ Classifies ☒ Does not Classify Claims.

1. (a) Class A: ☐ Co-debtor Claims / ☐ Other:

☐ Paid 100% / ☐ Other:

Cr. Cr. Cr.

#

\$ \$ \$

2. Unsecured Claims otherwise receive PRO-RATA disbursements.

OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)
See Continuation Sheet

Attorney for Debtor Marilyn Valdes Ortega Law Offices

Phone: (787) 758-4400

CHAPTER 13 PAYMENT PLAN

Debtor(s)

CHAPTER 13 PAYMENT PLAN

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FAILURE TO TIMELY OBJECT TO THIS PLAN CONSTITUTES A WAIVER OF THE EQUAL MONTHLY AMOUNT METHOD OF PAYMENT UNDER 11 USC 1325(a)(5).

TRUSTEE TO PAY ATTORNEY'S FEES BEFORE ANY SECURED OR PRIORITY CREDITOR.

ANY POST PETITION TAX REFUNDS THAT MAY PROSPECTIVELY ARISE FROM ANY TAX REFUND FOR THE DURATION OF THE PLAN WILL BE USED TO FUND THE PLAN IN ORDER TO MAXIMIZE THE DISTRIBUTION TO GENERAL UNSECURED CREDITORS, AFTER ITS CONFIRMATION.

FIFTY (50) PERCENT OF THE CHRISTMAS THAT DEBTOR MAY PROSPECTIVELY RECEIVE FOR THE DURATION OF THE PLAN WILL BE PAID INTO THE PLAN IN ORDER TO FUND SAME IN ORDER TO MAXIMIZE THE DISTRIBUTION TO GENERAL UNSECURED CREDITORS IN THE AMOUNT OF \$1,550.00 FOR THE DURATION OF THE PLAN. FOR A TOTAL OF \$6,200.00 DOLLARS, THE CHRISTMAS BONUS FOR THE YEAR 2010 WAS USED TO SUPPLEMENT LOSS OF INCOME AND MEDICAL CARE OF CO-PETITIONER.

DEBTOR IS CO-DEBTOR WITH POPULAR AUTO ACCOUNT PAID BY THIRD PARTY, DEBTOR CONSENTS TO THE LIFT OF STAY.

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